

REMARKS/ARGUMENTS

This Amendment and Response is being submitted in response to the Office Action dated June 23, 2006. Claims 11-30 were pending in this application prior to this Amendment and Response and claims 11-30 stand rejected. Claims 1-10 were previously canceled, and claims 16-18 and 27 have been canceled herein. Claims 11, 15, 21, 23-26 and 30 have been amended herein to provide clarification of the subject matter thereof. Claims 31 and 32 have been newly added herein and are not believed to contain new matter. Reconsideration and reexamination are respectfully requested.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 11-14 stand rejected under 35 USC §112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner has stated that claims 11-14 stand rejected as indefinite because "the expression 'an effective amount' is not defined." Applicants respectfully traverse this rejection for at least the reasons discussed below.

Applicants have amended independent claim 11 to clearly state the purpose or effect for which the 'effective amount' is or will become effective. Specifically, Applicants' amended claim 11 now recites, in relevant part, "...for protecting mammalian skin from discoloration or harmful effects of tyrosinase or chemically induced irritation other than UV radiation." Thus, the expression "an effect amount," is now clearly defined as an amount which is effective for "...protecting mammalian skin from discoloration or harmful effects of tyrosinase or chemically induced irritation other than UV radiation." Applicants submit that amended claim 11 is now definite for at least the above reasons. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of amended claim 11, and respectfully request that amended claim 11 be allowed. Dependent claims 12-14 are believed to be allowable, at least, because they depend from an allowable amended claim 11.

Rejections Under 35 U.S.C. § 102(b)

Claims 11, 12, 14-23, 25-28 and 30 stand rejected under 35 § USC 102(b) as purportedly being anticipated by Voss et al. (U.S. Patent No. 5,972,315; hereinafter "Voss"). Specifically, the Examiner has rejected these claims, "...in view of Example 1b, wherein the concentration of the ethyl p-methoxycinnamate is 2%." Applicants respectfully traverse this rejection for at least the reasons discussed below.

Applicants' amended claim 11, recites:

A composition for protecting mammalian skin from discoloration or harmful effects of tyrosinase or chemically induced irritation other than UV radiation consisting essentially of an effective amount of up to about 5% by weight of a root extract of Kaempferia Galanga. (Emphasis Added.)

Applicants' amended claim 21, recites:

A composition for protecting mammalian skin from discoloration or harmful effects of tyrosinase or chemically induced irritation other than UV radiation comprising a preparation containing, in weight percent, an effective amount up to about 5 percent of a root extract of Kaempferia Galanga dispersed in a carrier. (Emphasis Added.)

Applicants' amended claim 26, recites:

A composition for protecting mammalian skin from discoloration or the harmful effects of tyrosinase or chemically induced irritation other than UV radiation comprising a preparation containing, in weight percent, an effective amount up to about 5 percent of ethyl p-methoxycinnamate dispersed in a carrier, wherein the ethyl p-methoxycinnamate is extracted from Kaempferia Galanga root. (Emphasis Added.)

Voss does not teach or suggest inclusion of "a root extract of Kaempferia Galanga." Moreover, Voss discloses a cosmetic skin-care product for external use, which has UV-radiation-absorbing substances in combination with a free-radical scavenger system. See Abstract and col. 1, lines 8-12. The cosmetic skin-care product of Voss teaches prevention against aging of the skin as an effect of light and contains, along with conventional bases and auxiliaries, a combination of vitamin E.

or derivative thereof and 2-(dihydroxyethyl)-2-hydroxy-6,10,14-trimethyl-pentadecane, as well as, if appropriate, at least one UV filter. See col. 1, lines 34-39.

Voss does not disclose or teach the use of the skin-care product, or the components thereof, for protecting against the harmful effects of tyrosinase or chemically induced irritation other than UV radiation, as taught by Applicants' amended independent claims 11, 21 and 26. As noted above, Applicants' amended independent claims teach, in relevant part, "...a composition for protecting mammalian skin from discoloration or the harmful effects of tyrosinase or chemically induced irritation other than UV radiation." Voss simply does not teach or disclose these elements of Applicants' independent claims 11, 21 and 26. In order to sustain a rejection under 35 USC 102(b), the cited reference (i.e. Voss) must teach or disclose each and every element of the claimed Invention. Because Voss does not teach each and every element of Applicants' amended claims 11, 21 and 26, Applicants' amended claims 11, 21 and 26 are believed to be allowable over Voss. Applicants' dependent claims 12-15, 19, 20, 22-25 and 28-30 are believed to be allowable over Voss at least because they depend from allowable independent amended claims 11, 21 and 26.

Rejections Under 35 U.S.C. § 103(a)

Claims 13, 23 and 29 stand rejected under 35 USC 102(b) as purportedly being obvious over Voss et al. (U.S. Patent No. 5,972,315; hereinafter "Voss"). Specifically, the Examiner has rejected these claims, "...In view of Example 1b, wherein the concentration of the ethyl p-methoxycinnamate is 2% further in view of the disclosure which teaches that the percentage range is as low as 0.1%..." Applicants respectfully traverse this rejection for at least the reasons discussed below.

Applicants incorporate their above arguments with regard to Voss, *supra*, and submit that Applicants' amended claims 13, 23 and 26 are believed to be allowable at least, because: i) they contain limitations not taught or suggested by Voss; and ii) they depend from allowable independent claims 11, 21 and 29, respectively.

New Claims 31 and 32

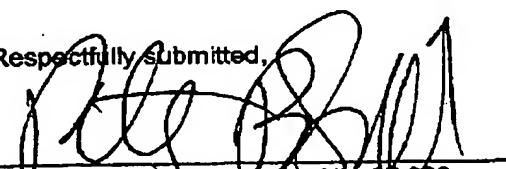
Claims 31 and 32 have been newly added herein. Support for these claims may be found, at least, in similar claims 19, 25 and 30. Applicants' new claims 31 and 32 are believed to be allowable, at least, because: i) they contain limitations not taught or suggested by Voss; and ii) they depend from allowable independent claims 21 and 26, respectively.

CONCLUSION

Applicants respectfully request that a timely Notice of Allowance be issued in this case. Applicants believe no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 50-3199 as necessary.

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Respectfully submitted,



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